

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

James A. Macove

Application No. 10/750,244

Confirmation No. 8872

Filed: December 31, 2003

Art Unit: 3724

For: RAZOR HAVING SEPARATE BLADE
GROUPS FOR SHAVING AND
TRIMMING/SCULPTING

Examiner: Jason D. Prone

I hereby certify that this correspondence is being filed via EFS Web on the date shown below:

Dated: November 24, 2008

Signature: _____



(Ronald E. Cahill)

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION PURSUANT TO 37 C.F.R. 41.37

Dear Sir:

For this application presently on appeal, Applicant submits the following information:

REMARKS

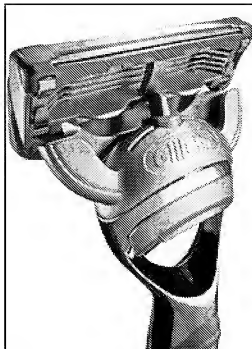
Applicant submits this evidence for consideration on appeal pursuant to 37 C.F.R. 41.37. This evidence was not submitted earlier because the final rejection of claims 21, 22, 24-27, and 30-32 under 35 U.S.C. §103 from which the appeal is being taken was based on new grounds applied for the first time in the Final Office Action. In particular, the Examiner applied for the first time WO 94/26476. Further, accordingly to the Examiner, "Applicant's arguments with respect to claims 21, 22, 24-27, and 30-32 have been considered but are moot in view of the new ground(s) of rejection." Accordingly, Applicant submits that it could not have submitted evidence to rebut this combination rejection earlier as the rejection had not been made.

Applicant submits the following as evidence:

The **Gillette Fusion** is a five-bladed razor released in 2006. There are two different versions of the Fusion available: the *Gillette Fusion*, and the *Gillette Fusion Power*. All share the characteristic five blades on the front, and a single sixth blade on the rear that acts as a "precision trimmer". In addition, the Fusion Power is battery powered and emits "gentle micropulses" that are claimed to increase razor glide.^[1] In February 2007, the *Fusion Power Phantom (Stealth in UK)* was released which features a redesigned handle and a darker color scheme than the original Fusion Power.^[2] In February 2008, Gillette released another revision, the *Fusion Power Phenom*, with a new blue and silver color scheme.^[3] [copied from http://en.wikipedia.org/wiki/Gillette_Fusion on today's date.]

Applicant submits that this information is a public document commonly used as a source of information and that it is reliable as such.

The following image was published by the New York Times at http://www.nytimes.com/2005/09/15/business/media/15adco.html?_r=1 as a representation of a Gillette Fusion razor:



This information is still available at the above referenced URL as of this date.

In addition, the following figure has been published at <http://www.gizmosforgeeks.com/2008/08/15/review-schick-quattro-titanium-with-trimmer/> as a representative image of the Schick Quattro Titanium Trimmer:



This information is still available at the above referenced URL as of this date.

CONCLUSION


If the Examiner believes that an interview would facilitate the resolution of any outstanding issues, he is kindly requested to contact the undersigned.

In the event that a petition for an extension of time is required to be submitted at this time, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to ensure that the above-identified application does not become abandoned.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 105428-2.

Dated: November 24, 2008

Respectfully submitted,

By 

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